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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,989	04/18/2001	Henry P. Hoffman	71541	9087

22242 7590 07/12/2006

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EXAMINER

NANO, SARGON N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,989

Applicant(s)

HOFFMAN ET AL.

Examiner

Sargon N. Nano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to RCE filed on April 14, 2006. Claims 1, 2, and 4, were amended, claim 8 was newly added. claims 1 - 8 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kadaba U.S. Patent No. 6,889,194
Kadaba teaches a method and system for preparing an electronic shipping record of a parcel (see abstract).see col. 2 lines 56 – 65).

As to claim 1, Kadaba teaches apparatus for providing information comprising trucking and shipping information over a wireless communication network, comprising:
a hub server for storing a relational database of relation data comprising trucking and shipping information, for receiving changes from network nodes as correspond to

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the trucking and shipping information, and for sending the changes to the network nodes such that the hub server facilitates network-wide synchronization of the trucking and shipping information, wherein the trucking and shipping information comprises at least two of :

freight bills; driver employment forms; pay settlement; fueling settlements; fueling information; vehicle maintenance information; available freight hauling information; driver's logs: (see col. 2 lines 56 – col. 3 lines 3 and col.2 line 6 – 24 Kadaba discloses a system for storing delivery information records and to update parcel records);

a plurality of the network nodes in communication with the hub server for sending changes as correspond to the trucking and shipping information to the hub server and for receiving changes to the trucking and shipping information as is sent by the hub server (see col. 2 lines 30 – 36 Kadaba discloses update information communicated between a data transfer device and the central system) ; and

a local area network that is at least partially wireless and that is coupled to the nodes for providing communication with one or more client computing devices that source and receive trucking and shipping information and that provide an interface to the relation data (see col. 5 lines 11 – 18 , Kabala discloses accessing a computer network via a cellular phone).

As to claim 2, Kadaba teaches apparatus for providing information comprising trucking and shipping information over a wireless communication network, comprising:

a hub server for storing a relational database of relation data comprising trucking and shipping information, for receiving changes from network nodes as correspond to the trucking and shipping information, and for sending the changes to the network nodes such that the hub server facilitates network-wide synchronization of the trucking and shipping information, wherein the trucking and shipping information comprises at least three of :

freight bills; driver employment forms; pay settlement; fueling settlements; fueling information; vehicle maintenance information; available freight hauling information; driver's logs; (see col. 2 lines 56 – col. 3 lines 3 and col.2 line 6 – 24 Kadaba discloses a system for storing delivery information records and to update parcel records);

a plurality of the network nodes in communication with the hub server for sending changes as correspond to the trucking and shipping information to the hub server and for receiving changes to the trucking and shipping information as is sent by the hub server (see col. 2 lines 30 – 36 Kadaba discloses update information communicated between a data transfer device and the central system) ; and

a local area network that is at least partially wireless and that is coupled to the nodes for providing communication with one or more client computing devices that source and receive trucking and shipping information and that provide an interface to the relation data (see col. 5 lines 11 – 18 , Kabala discloses accessing a computer network via a cellular phone).

As to claim 3, Kadaba teaches the apparatus of claim 1 wherein the hub server comprises a master relation data synchronizer for synchronizing relation data as is stored in the relational database with data as is stored at the network nodes (see col. 2 lines 56 – 65).

As to claim 4, Kadaba teaches the apparatus of claim 1 wherein the trucking and shipping information comprises : - freight bills; - driver employment forms; - pay settlements; - fueling information; - vehicle maintenance information; - available freight hauling opportunities; - driver's logs (see col. 2 lines 56 – col. 3 lines 3).

As to claim 5, Kadaba teaches the apparatus of claim 1 wherein the hub server further comprises database replication means for scheduling large bursts of data transmission replication means schedules at least some of the large bursts of data transmission to coincide with specific network communication resource availability (see col. 3 line 15 col. 4 line 56).

As to claim 7, Kadaba teaches the apparatus of claim 1 wherein at least some of the network nodes comprise, at least in part, a proxy server for the hub server (see col. 6 lines 29 – 38 & fig.1).

As to claim 8, Kadaba teaches apparatus for providing information comprising trucking and shipping information over a wireless communication network, comprising:

a hub server for storing a relational database of relation data comprising trucking and shipping information, for receiving changes from network nodes as correspond to the trucking and shipping information, and for sending the changes to the network nodes such that the hub server facilitates network-wide synchronization of the trucking

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and shipping information, wherein the trucking and shipping information comprises at least three of :freight bills; driver employment forms; pay settlement; fueling settlements; fueling information; vehicle maintenance information; available freight hauling information; driver's logs : (see col. 2 lines 56 – col. 3 lines 3 and col.2 line 6 – 24 Kadaba discloses a system for storing delivery information records and to update parcel records)

a plurality of the network nodes in communication with the hub server for sending changes as correspond to the trucking and shipping information to the hub server and for receiving changes to the trucking and shipping information as is sent by the hub server (see col. 2 lines 30 – 36 Kadaba discloses update information communicated between a data transfer device and the central system) ; and

a local area network that is at least partially wireless and that is coupled to the nodes for providing communication with one or more client computing devices that source and receive trucking and shipping information and that provide an interface to the relation data (see col. 5 lines 11 – 18 , Kabala discloses accessing a computer network via a cellular phone).

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive. In the remarks applicant argue in substance that Kadaba does not disclose:

A) At least two or more of a diverse category of information specifically set as comprising bills, driver employment forms , pay settlements , fueling information, vehicle maintenance information, available freight hauling opportunities and driver's logs.

In response to A) it is not clear how does the information being provided by an apparatus materially affect the apparatus itself so as to be of patentable weight in the apparatus claim. Applicant provide no evidence of critically or unexpected results from having this particular information.

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
July. 5, 2006


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER